

YUBA COUNTY ENVIRONMENTAL HEALTH DEFICIENCY PROGRESS REPORT – UPDATE 5

July 2, 2007

Evaluation Date: August 23 and 24, 2005

State Evaluation Team

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- 4. (The remaining deficiency is number 4, Cal/EPA has determined that all other deficiencies have been corrected)**

Deficiency 4: The CUPA's Inspection and Enforcement Program Plan has not been fully implemented. In some instances, the CUPA has exhausted all informal enforcement options and has not continued with formal enforcement as described in their plan's graduated series of enforcement actions.

Corrective Action Status: The Yuba County Inspection and Enforcement Plan has been completed and finalized. There are no changes from the draft version attached to status report #3.

Currently the Inspection portion of the plan is fully implemented as written. The enforcement portion of the plan is also fully implemented. Presently we have performed all processes of the plan except the AEO process. Our agency has developed the template forms, letters, notices and orders to implement the AEO and hearing processes. Our office expects to implement AEOs or other formal enforcement options, as described in the plan, where compliance inspections fail to correct noted violations.

We currently have two cases that have escalated from a routine or complaint inspection to referral to the Circuit Prosecutor for formal enforcement. In both cases we conducted a Multi-Media inspection under an inspection warrant, as described in the inspection portion of the plan. The first case we acted as a supporting agency under Yuba County Code Enforcement as the lead agency. Our agency has been the lead on the second case. These inspections included federal, state and local agencies. Both cases concluded with a civil judgment. A copy of the cases has been forwarded to your office as part of the corrective action process for this deficiency.

As part of the implementation of our Inspection and Enforcement Plan the use of Red Tags for formal enforcement of underground storage facilities is now being fully implemented, as well.